

Attorney Docket No.: F7730(V)
Serial No.: 10/568,560
Filed: February 17, 2006
Confirmation No.: 6503

REMARKS

Amendment to the claims

Claim 1 has been amended without prejudice to recite preferred embodiments of applicants' invention that are more clearly differentiated from the prior art.

Specifically, amended claim 1 now specifies that the bridge is a partial bridge consisting of two bridge parts **9,10**, each being an indentation of a side wall of the lid rim **2**, said indentation being formed by placing part of the side wall at a negative angle, compared to the side wall at a place where there is no bridge (page 4, lines 15-30).

Amended claim 1 also incorporates the limitation recited in claim 8 that the container lid rim includes an odd number of bridges.

Claim 5 has been amended without prejudice to specify that the number of bridges recited in claim 1 is more than four.

Claim 6 has been amended without prejudice to specify that the number of bridges recited in claim 1 is more than six.

Claim 8 has been canceled without prejudice.

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Claim Rejections – 35 USC § 102

Claims 1, and 5-7 were rejected under 35 USC §102(b) as being anticipated by Bitel Jr. (US 5,419,451). Applicants respectfully request the Examiner to reconsider the rejection in light of the above amendments and following remarks.

Bitel Jr. discloses a stacking tray and lid assembly which has a tray with an upper surface and a multiplicity of depending compartments for receiving food. The compartments are spaced inwardly from the side margins of the tray to provide a peripheral portion thereof. The lid has a generally planar body and a depending peripheral flange with a multiplicity of bosses on the inner surface of the flange which engage the outer edge of the peripheral portion of the tray. (Abstract)

The lid assembly disclosed by Bitel Jr., **FIG 1**, includes two types of elevated “ribs”: Positioning ribs 46 which prevent unintentional lateral shifting of a tray **12** which is stacked upon the lid **14** (column 3, lines 34-40); and arcuate Lid stacking ribs 48 adapted to abut portions of the inner surface of the depending peripheral flange **40** and prevent unintentional lateral shifting of the lids **14** and facilitate their separation vertically (column 3, lines 44-49).

With references to applicants’ drawing, the feature of the Bitel Jr. container lid that is closest to applicants’ *lid rim 2* is the Bitel Jr. *Lid stacking ribs 48*. This feature is in an analogous locations (nearest the periphery of the lid body) and performs an analogous function (facilitating the stacking of the lids - applicants **FIGs 1** and **5**, and page 2, lines 20-23).

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Applicants' lid differs from the lid disclosed by Bitel Jr. in at least the following features which are not disclosed by Bitel Jr.:

- Applicants' *lid rim 2* has a recess in contrast to the closest analogous structure disclosed by Bitel Jr., the *lid stacking ribs 48* which do not have a recess (compare applicants' **FIGS 1** and **5** to Bitel Jr. **FIG 12**).
- Applicants' container lid rim includes a partial bridge which consists of two bridge parts (**9,10**), each being an indentation of a side wall of the lid rim (**2**), said indentation being formed by placing part of the side wall at a negative angle, compared to the side wall at a place where there is no bridge (Applicants' **FIG 5**).
- Applicants' container lid rim requires an odd number of bridges while Bitel Jr. is silent regarding any limitation on the "number of bridges": The only embodiment disclosed in the drawing of Bitel Jr. includes an even number of bridges (equal to the number of *lid stacking ribs 48*).

Absent a disclosure of a *lid rim* having a recess, an odd number of partial bridges having the specified geometry, Bitel Jr. could not anticipate applicants' claims.

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Claim Rejections – 35 USC § 103

Claim 8 and 9 were rejected under 35 USC 103(a) as being unpatentable over Bitel Jr. (US 5,419,451). Applicants respectfully request the Examiner to reconsider the rejection in light of the above amendments and following remarks.

As discussed above Bitel Jr. does not disclose a container lid which has a recessed *lid rim*, nor any elevated feature of the container lid having the properties of applicants' "partial bridge", i.e., having side walls which are indented by placing part of the side wall at a negative angle (in the sense shown in **FIG 5**), compared to the side wall at a place where there is no bridge.

Bitel Jr. does not teach any preference for incorporating an odd number of bridges. In contrast, applicants' have surprisingly found that incorporating an odd number of bridges in the lid rim, especially when evenly spaced, provides improved flexing strength compared with an even number of bridges.

Bitel Jr. is directed to a stacking tray and lid assembly for containing food in which the lid is firmly engaged with the tray through the use of a depending flexible flange **40** and boss **42** assembly which engages the peripheral portion of the tray **30**. In contrast, applicants invention is directed to an entirely different problem, namely that containers which have recessed lid rims tend to "jam" on closure, especially when closed with one hand, i.e., the container lid gets stuck in the recess of the *lid rim*. Absent a disclosure of recessed lid rims which include an odd number of "partial bridges" as defined by applicants', Bitel Jr. does not present a *prima facie* case of obviousness.

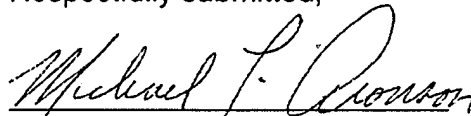
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Claim 7 is even more remote from Bitel Jr. since none of the elevated features on the lid disclosed by Bitel Jr. are distributed evenly around the periphery of the lid regardless of whether they can be classified as a lid rim or not.

In light of the above amendments and remarks, applicants respectfully request that the application be allowed to issue.

If a telephone conversation would be of assistance in advancing prosecution of the subject application, applicants' undersigned agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael P. Aronson".

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